

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF PROHIBITING)	ADMINISTRATIVE ORDER
<u>MICHAEL D. SEBBA</u> FROM FILING)	No. 2008-007
ANY LAWSUIT IN MARICOPA COUNTY)		
WITHOUT OBTAINING PRIOR)	
PERMISSION FROM THE COURT)	
_____)	

On December 7, 2007, counsel for Thomas Littleton filed in CV2006-019353 a motion requesting an order that Michael Sebba be precluded from filing future lawsuits without prior court approval. Through the motion, counsel reported that Mr. Sebba has a history of using the Arizona court system for harassment purposes. The Honorable Mark Aceto declined to issue the requested order in the context of CV2006-019353. Rather than do so, Judge Aceto gathered court records regarding Mr. Sebba's involvement in litigation and referred this matter to the undersigned, the Presiding Judge of Maricopa County Superior Court, to consider issuance of an administrative order. Although they are rare, situations involving consideration of limiting a person's ability to file future lawsuits are customarily referred to the presiding judge. Upon receipt of the referral regarding Mr. Sebba, the court has reviewed case filings in which Mr. Sebba has been involved.

Some lawsuits have little to do with obtaining justice and have much to do with taking advantage of the openness of the Court for harassment purposes. The inherent authority of Arizona courts provides a basis for curtailing court access for litigants who file repetitive frivolous lawsuits. *See Acker v. CSO Chevira*, 188 Ariz. 252, 934 P.2d 816 (App. 1997).

A review of Maricopa County Superior Court records from cases filed by or against Mr. Sebba, Linda Littleton, and members of Linda Littleton's family discloses the following:

- On February 24, 2005, Linda Littleton obtained an injunction against harassment against Mr. Sebba in Tempe City Court. Among other things, the Court ordered that Mr. Sebba have no contact with Linda Littleton, her husband Thomas Littleton, and their children Connor and Taylor Littleton. Mr. Sebba was ultimately convicted of violating this injunction against harassment and his conviction was affirmed in LC2007-000307.
- On December 27, 2005, Mr. Sebba obtained an injunction against harassment against Ms. Littleton in CV2005-019624. Following a hearing on January 20, 2006, the Court found that Mr. Sebba had failed to provide reasonable evidence in support of his allegations. Therefore, the Court dismissed the injunction.

- On January 11, 2006, Mr. Sebba filed a Petition for Injunction Against Harassment against Thomas Littleton in CV2006-000486. Following a hearing on May 1, 2006, the Court found Mr. Sebba's evidence to be insufficient and denied his petition.
- On January 19, 2006, Linda Littleton obtained another injunction against harassment against Mr. Sebba in CV2006-000838. Following a hearing on February 3, 2006, the Court affirmed the injunction against Mr. Sebba.
- On April 25, 2006, Mr. Sebba filed another Petition for Injunction Against Harassment against Thomas Littleton in CV2006-005039. Following a hearing on May 1, 2006, the Court found Mr. Sebba's proof to be insufficient and denied his petition.
- On December 18, 2006, Mr. Sebba filed a complaint against Thomas Littleton in CV2006-019353. Relief requested by Mr. Sebba included "55 million dollars in restitution" and "a minimum of 2 years jail time." On July 10, 2007, the Court entered judgment against Mr. Sebba, finding that his complaint failed to state a claim upon which relief could be granted.
- On January 5, 2007, Mr. Sebba filed in CV2007-000447 a complaint against Thomas and Linda Littleton. Through this complaint, Mr. Sebba sought "55 million dollars in punitive damages and a minimum of 2 years jail time each." On July 4, 2007, the Court dismissed this complaint for lack of timely service.
- On February 6, 2007, Mr. Sebba filed in CV2007-002387 a complaint against Taylor Littleton. Taylor was eleven years old at the time. Mr. Sebba did not allege that Taylor struck him, but rather that she put him in fear by riding her two-wheel bicycle toward him. Through his complaint, Mr. Sebba sought against 11-year-old Taylor an injunction against harassment, punitive damages, and "a minimum of 2 years jail time without parole." It appears that the juvenile court has dismissed Mr. Sebba's request for an injunction. A motion to dismiss regarding the remaining claims is pending.

A review of Maricopa County Superior Court records discloses the following regarding litigation involving Mr. Sebba and others who appear to be Tempe residents:

- On December 16, 2005, Annette Bau obtained an injunction against harassment against Mr. Sebba in CV2005-019052. In her petition, Ms. Bau reported, among other things, that because "the City of Tempe has had numerous issues with Mr. Sebba including receiving to date over 700 harassing letters... they now tape record him." On December 27, 2005, Mr. Sebba responded to the injunction against harassment by obtaining an injunction against harassment against Ms. Bau in CV2005-019621. Following a hearing on January 20, 2006, the injunction

obtained by Ms. Bau was affirmed and the injunction obtained by Mr. Sebba was dismissed.

- On December 16, 2005, Randal Courtney obtained an injunction against harassment against Mr. Sebba in CV2005-019051. On December 27, 2005, Mr. Sebba responded by obtaining an injunction against harassment against Mr. Courtney in CV2005-019622. Following a hearing on January 20, 2006, the Court affirmed the injunction obtained by Mr. Courtney and dismissed the injunction obtained by Mr. Sebba.
- On December 16, 2005, Michelle Ford obtained an injunction against harassment against Mr. Sebba in CV2005-019251. On December 27, 2005, Mr. Sebba responded by obtaining an injunction against harassment against Ms. Ford in CV2005-019623. Following a hearing on January 20, 2006, the Court affirmed the injunction obtained by Ms. Ford and dismissed the injunction obtained by Mr. Sebba.
- On May 8, 2006, Mr. Sebba again attempted too obtain an injunction against harassment against Ms. Ford, this time in CV2006-006335. Following a hearing on May 18, 2006, the Court found that Mr. Sebba had presented insufficient evidence and denied his petition.
- On January 25, 2007, Mr. Sebba filed a complaint against Glenda Glaser in CV2007-001621. Alleging a false report to a police officer, Mr. Sebba sought “compensatory and punitive damages” and that Ms. Glaser “be given a minimum sentence of 2 years prison time”. In his complaint, Plaintiff alleged that Ms. Glaser is a “good friend [and] neighbor of Thomas and Linda Littleton.” On March 27, 2007, the Court dismissed Mr. Sebba’s complaint for failure to state a claim.
- On February 26, 2007, Plaintiff filed a “stalking” and “harassment” complaint against Anne Marie Lee in CV2007-003447. As relief, Mr. Sebba sought “\$55 million in damages and 2 years minimum imprisonment.” On May 9, 2007, the Court dismissed Mr. Sebba’s complaint for failure to state a claim. The Court also granted Ms. Lee’s “Motion for Sanctions Due to Filing and Maintaining Frivolous Litigation.”

A review of Maricopa County Superior Court records discloses the following regarding litigation brought by Mr. Sebba against Tempe law enforcement officers:

- On November 1, 2006, Mr. Sebba filed a complaint against Tempe police officer Jeff Loewenhagen in CV2006-016580. Therein, Mr. Sebba asserted a false arrest claim and alleged that Officer Loewenhagen had arrested Mr. Sebba for contacting Linda Littleton in violation of an injunction against harassment. On January 30, 2007, the Court dismissed Mr. Sebba’s complaint.

- On November 1, 2006, Mr. Sebba filed a complaint against Hugo Zettler, a Tempe city prosecutor, in CV2006-016581. In his complaint, Mr. Sebba complained about criminal prosecutions against him. On January 10, 2007, the Court dismissed Mr. Sebba's complaint.
- On December 18, 2006, Mr. Sebba filed a false arrest/false imprisonment complaint against Tempe Police Commander Brenda Van Amberg. The complaint was filed in CV2006-019354. The Court dismissed this complaint on February 14, 2007.
- On March 19, 2007, Mr. Sebba again sued Commander Van Amberg, this time in CV2007-004880. Commander Van Amberg had reportedly served Mr. Sebba with an injunction against harassment obtained by Linda Littleton. Mr. Sebba's complaint was based on a purported violation of Tempe Police Department policy. Again, the Court dismissed Mr. Sebba's complaint on May 15, 2007.
- On June 18, 2007, Mr. Sebba applied for an injunction against harassment against Commander Van Amberg in CV2007-010610. The Court denied Mr. Sebba's petition.

The court finds that Mr. Sebba has repeatedly filed frivolous lawsuits. The court further finds that Mr. Sebba has done so with the intent to use the legal system as a weapon and with the intent to harass.

Mr. Sebba is a vexatious litigant. The court may issue an order limiting such a litigant's ability to file future lawsuits to the extent necessary to curtail his improper conduct. Based on the court's review of the record, the court believes that the only order that will adequately address plaintiff's litigiousness is an Order prohibiting Mr. Sebba from filing any lawsuit in Maricopa County without first obtaining permission from the Presiding Judge of the County.

Any motion for leave to file shall be captioned, "Application Pursuant to Court Order Seeking Leave to File." Plaintiff must either cite this Order in his application, or attach as an exhibit a copy of this Order. In seeking leave to file, Mr. Sebba is required to certify under penalty of perjury that the claim or claims he wishes to present are new claims never before raised and disposed of by any other court, within or outside Maricopa County. He would also need to certify that the claims are neither frivolous nor made in bad faith.

This Order does not prohibit Mr. Sebba from participating in any litigation which has previously been filed.

In accordance with the foregoing,

1. The Clerk of Court may receive and file documents from Mr. Sebba relating to any cause numbers pending as of the date of this order. Prior

approval of the Presiding Judge is not required for such filings. Mr. Sebba is advised, however, that if he files vexatious, frivolous, scandalous, impertinent, or otherwise inappropriate matters, the court might impose a pre-approval requirement for all filings.

2. Mr. Sebba may not file, and the Clerk of Court shall not accept, any new causes of action after the date of this order without leave of the Presiding Judge. If Mr. Sebba wishes to file a new cause of action, he shall submit the proposed filing to the Presiding Judge, along with a copy of this order and a proposed form of order for the court's signature. If approval for filing the new action is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Sebba.

IT IS FURTHER ORDERED that Mr. Sebba may petition this court for a hearing on this Order, no later than February 8, 2008, and may present information at that hearing to dispute the findings herein.

Dated this 25th day of January, 2008.

Barbara Rodriguez Mundell
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Michael K. Jeanes, Clerk of Court
Hon. Norman Davis, Associate Presiding Judge
Hon. Mark Aceto, Civil Presiding Judge
Hon. Anna Baca, Criminal Presiding Judge
Hon. Colleen McNally, Family Presiding Judge
Hon. Eileen Willett, Juvenile Presiding Judge
Hon. Karen O'Connor, Probate/Mental health Presiding Judge
Hon. Eddward Ballinger, Northeast Regional Presiding Judge
Hon. Harriet Chavez, Northwest Regional Presiding Judge
Hon. Emmet Ronan, Southeast Regional Presiding Judge
Hon. John Ore, Presiding Justice of the Peace
All Municipal Court Presiding Judges
Marcus Reinkensmeyer, Judicial Branch Administrator
Karen Westover, Deputy Court Administrator
Mitch Michkowski, Civil Court Administrator
Michael Sebba